



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204
Telephone 317 / 232-2430
Fax 317 / 233-6114
www.IN.gov/atc

To: All retail alcoholic beverage permit holders
All Type II gaming endorsement permit holders

Cc: Superintendent Matt Strittmatter, Indiana State Excise Police

From: Chairman Alex D. Huskey, Indiana Alcohol and Tobacco Commission

Re: Electronic gaming devices – sweepstakes machines/totems

Date: December 19, 2011

Notice regarding sweepstakes machines, sweepstakes totems or any type of sweepstakes gaming device

The Indiana Alcohol and Tobacco Commission (“Commission”) is aware that a new type of electronic gaming device is being deployed into Indiana bars, restaurants, taverns, convenience stores, drug stores and all other premises that hold a retail alcohol beverage permit, especially those premises that also hold a Type II gaming endorsement (collectively, “permittees”). This electronic device is commonly referred to as a sweepstakes machine, sweepstakes totem or sweepstakes kiosk (a non-exhaustive list, collectively, “sweepstakes machines”).

The only permissible type of gaming allowed on a permittee’s premises is Type II gaming. Type II gaming is defined as a “pull tab, punchboard, or tip board game approved by the Indiana gaming commission.” *Ind. Code 4-36-2-20*. Any other type of gaming, especially electronic gaming devices, are strictly and specifically prohibited on permittee’s premises. *Ind. Code 4-36-1-4*. A permittee must have a Type II gaming endorsement from the Commission prior to engaging in such gaming.

Sweepstakes machines may be electronic gaming devices as defined by Indiana Code 35-45-5-1(b)(1)-(4). The Indiana State Excise Police will conduct investigations on a case-by-case basis to determine if a sweepstakes machine found on a permittee’s premises operates as an electronic gaming device under Indiana Code 35-45-5-1(b)(1)-(4). A determination that a sweepstakes machine operates as an electronic gaming device or that a sweepstakes machine operates any gaming other than approved Type II gaming may result in the issuance of administrative violation to the permittee.

This memorandum replaces and rescinds a memorandum addressing the same subject dated September 29, 2011.